

REMARKS

Claims 68-70, 72, 73, 82-85 and 88-94 were pending in the application. Claims 72, 73, 82, 83 and 89-91 have been cancelled without prejudice and claims 68-70 and 92-94 have been amended. Therefore, upon entry of this paper, claims 68-70, 84, 85, 88 and 92-94 will be pending.

Applicants thank the Examiner for the withdrawal of the rejections of claims 68-70 under 35 U.S.C. §102(b).

The foregoing claim cancellations and amendments should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejection, and have been made solely to expedite prosecution of the present application. Applicant reserves the option to further prosecute the same or similar claims in the present or another patent application. No new matter has been added.

Rejection of Claims 68-70, 84, 85, 88 and 92-94 on the Ground of Nonstatutory Obviousness-type Double Patenting

Claims 68-70, 84, 85, 88 and 92-94 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 9 and 25-29 of U.S. Patent No. 6,242,491 further in view of Ozlen (U.S. Patent No. 5,441,740).

Without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, upon indication of allowance of claims 68-70, 84, 85, 88 and 92-94, Applicant will submit a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d), which will obviate this rejection.

Rejection of Claims 68-70, 84, 85, 88 and 92-94 on the Ground of Nonstatutory Obviousness-type Double Patenting

Claims 68-70, 84, 85, 88 and 92-94 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 9 and 25-29 of U.S. Patent No. 7,186,754 further in view of Ozlen (U.S. Patent No. 5,441,740).

Without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, upon indication of allowance of claims 68-70, 84, 85, 88 and 92-94, Applicant will submit a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d), which will obviate this rejection.

Provisional Rejection of Claims 68-70, 73, 84, 85 and 89-94 on the Ground of Nonstatutory Obviousness-type Double Patenting

Claims 68-70, 73, 84, 85 and 89-94 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 12 and 13 of copending U.S. Patent Application No. 11/649145 further in view of Ozlen (U.S. Patent no. 5,441,740).

With respect to claim 73, Applicant notes that is rejection is moot in view of the cancellation of this claim. With respect to the remaining claims, without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, upon indication of allowance of claims 1-6, 12 and 13 of U.S. Patent Application No. 11/649145, Applicant will consider submitting a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d), which will obviate this rejection.

Rejection of Claims 68-70, 82, 84, 85, 88 and 92-94 under 35 U.S.C. §103(a)

Claims 68-70, 82, 84, 85, 88 and 92-94 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yu *et al.* (U.S. Patent No. 5,702,688) in view of Ozlen (U.S. Patent No. 5,441,740).

With respect to claim 82, Applicant notes that is rejection is moot in view of the cancellation of this claim. With respect to the remaining claims, without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, Applicant notes that claims 68-70 have been amended to incorporate the subject matter of claims 89-91, which was not subject to this rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejection of Claims 68-70, 73, 82-85, 88 and 92-94 under 35 U.S.C. §103(a)

Claims 68-70, 73, 82-85, 88 and 92-94 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yu *et al.* and Ozlen as applied to claims 68-70, 82, 84, 85, 88 and 92-94 and further in view of Fujimura (U.S. Patent No. 5,939,078).

With respect to claims 73, 82 and 83, Applicant notes that this rejection is moot in view of the cancellation of these claims. With respect to the remaining claims, without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, Applicant notes that claims 68-70 have been amended to incorporate the subject matter of claims 89-91, which was not subject to this rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejection of Claims 68-70, 82, 84, 85 and 88-94 under 35 U.S.C. §103(a)

Claims 68-70, 82, 84, 85 and 88-94 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yu *et al.* and Ozlen as applied to claims 68-70, 82, 84, 85, 88 and 92-94 and further in view of Pischel *et al.* (U.S. Patent No. 5,863,939).

With respect to claims 82, 83 and 89-91, Applicant notes that this rejection is moot in view of the cancellation of these claims. With respect to the remaining claims, without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution, Applicant notes that claims 68-70 have been amended to incorporate the subject matter of claim 83, which was not subject to this rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejection of Claims 68-70, 72, 82, 84, 85, 88 and 92-94 under 35 U.S.C. §103(a)

Claims 68-70, 72, 82, 84, 85, 88 and 92-94 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yu *et al.* and Ozlen as applied to claims 68-70, 82, 84, 85, 88 and 92-94 and further in view of Almada *et al.* (U.S. Patent No. 5,627,172).

With respect to claims 72 and 82, Applicant notes that this rejection is moot in view of the cancellation of these claims. With respect to the remaining claims, without acquiescing to the Examiner's characterization of the claims and solely in an effort to expedite prosecution,

Applicant notes that claims 68-70 have been amended to incorporate the subject matter of claims 83 and 89-91, which was not subject to this rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

SUMMARY

In view of the foregoing remarks, allowance of the instant application with all pending claims are respectfully solicited. If a telephone conversation with Applicant's agent would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's agent at (617) 449-6500.

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Respectfully submitted,

By /Meaghan L. Richmond/
Meaghan L. Richmond, Ph.D.
Registration No.: 61,402
McCarter & English, LLP
265 Franklin Street
Boston, MA 02110
(617) 449-6500
(617) 607-9200 (fax)
Agent For Applicant